

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

E.D.,

Plaintiff,	:	CIVIL ACTION NO. 16-2750
v.	:	
DANIEL SHARKEY, BERKS COUNTY RESIDENTIAL CENTER-IMMIGRATION FAMILY CENTER (BCRC-IFC), COUNTY OF BERKS, PENNSYLVANIA, THOMAS DECKER, ICE Field Office Director, DIANE EDWARDS, Director of BCRC-IFC, JEREMIAH / JOSH PETREY, ICE Employee, JOHN BEHM, JAMIE HIMMELBERGER, BRITTANY ROTHERMEL, ERIKA TAYLOR, and MATTHEW MALINOWSKI,	:	
Defendants.	:	

ORDER

AND NOW, this 16th day of May, 2017, after considering the allegations in the second amended complaint (Doc. No. 31), the separately-filed motions to dismiss of the defendants, Jeremiah Petrey and Thomas Decker (Doc. Nos. 36, 44), the plaintiff's responses to the motions (Doc. Nos. 38, 53), and the defendants' replies (Doc. Nos. 39, 55); accordingly, and for the reasons set forth in the separately-filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The motion to dismiss of the defendant, Jeremiah Petrey (Doc. No. 36), is **GRANTED**. Count II against Petrey is **DISMISSED WITHOUT PREJUDICE** and Count V against Petrey is **DISMISSED WITH PREJUDICE**;
2. The motion to dismiss of the defendant, Thomas Decker (Doc. No. 44), is **GRANTED**. Counts II, III, and V against Decker are **DISMISSED WITH PREJUDICE**; and

3. The plaintiff shall have fourteen (14) days from the date of this order to file a third amended complaint.

BY THE COURT:



EDWARD G. SMITH, J.